

REMARKS

Reconsideration and allowance in view of the foregoing amendment and following remarks are respectfully requested.

Claims 5 and 6 were objected to as allegedly including an informality in line 8 of claim 5. Specifically, the Examiner objected that claim 5 recites that the gas lift valve "includes" a housing and a nozzle mounted in said housing. Because the disclosure specifically discusses the housing and the nozzle, the Examiner suggested that claim 5 be revised to state that the gas lift valve "consists of" the housing and the nozzle. Applicant respectfully declines the Examiner's suggestion. Indeed, it is respectfully submitted that there is nothing in applicant's disclosure or claims suggesting that the invention must be limited to a gas lift valve consisting of a housing and a nozzle either to be distinguished from the prior art or to be enabled. In this regard the Examiner is reminded that the specification is directed to one skilled in the art and that the invention relates to an improved gas lift valve. As such, the specification focuses on the components which are relevant to describe the invention, i.e., the venturi and the housing but the gas lift valve may be and would typically be provided with a number of other components which are conventionally provided and which could also be used with the improved gas lift valve of the invention. Thus, while a novel characteristic of the invention is the provision of the venturi to replace the orifice plate of the conventional gas lift valve, there is certainly no requirement that the gas lift valve consist of an housing and a nozzle, as suggested by the Examiner.

The Examiner's attention is directed by way of example to herewith U.S. Patent No. 5,066,198. The '198 patent describes a conventional gas lift valve. As disclosed in this patent, gas lift valves conventionally include a number of components in addition to a housing and orifice, which in accordance with the invention is eliminated and provided instead with a venturi. The fact that applicant's disclosure has focused on the features of the invention that are novel and those components necessary to fully understand the inventive structure does not preclude the provision of other components as a part of or

associated with the gas lift valve. In view of the foregoing, reconsideration and withdrawal of the Examiner's rejection is requested.

Claims 7-9 were rejected under 35 USC 112, first paragraph, as including subject matter which is allegedly not described in the specification. In this regard, the Examiner objects in particular to lines 10-14 of claim 7. It is respectfully submitted that contrary to the Examiner's statement in the Office Action, the disclosure does not limit the invention to a throat formed by a smooth straight intermediate portion. On the contrary, on page 1, paragraph 4 of applicant's disclosure, it is made clear that the improvement provided in accordance with the invention is a "so-called compact venturi, which is the result of coupling a tapering nozzle to a conical diffuser." Further, although an exemplary embodiment as illustrated includes a straight intermediate part 9, on page 4 of the disclosure it is clearly stated that second part 13 may be reduced, theoretically to "one only part", although for practical reasons, its length should be h_2 even though small. The phrase to "one only part" is a literal translation of the Portuguese language parent Brazilian application and would be better understood as "to a single section". Thus, it is clear from the noted passages in the disclosure that the venturi can comprise a coupling of a tapered nozzle to a conical diffuser so as to effectively comprise a diffuser first end (conical diffuser), which is disposed adjacent (coupled) to a nozzle second end (the tapering nozzle). The skilled artisan would immediately recognize that by coupling a tapering nozzle to a conical diffuser, a constricting (throat) section is formed at the junction of these two bodies. Furthermore, as noted, there is certainly no requirement in the original disclosure that the throat passage be a smooth straight intermediate portion of any substantial length. Quite the contrary, it is made clear that it may be minimized to a throat defined by the junction of the adjacent parts. In view of the discussion above, reconsideration and withdrawal of the Examiner's rejection of claims 7-9 is requested.

Applicant notes with appreciation the Examiner's indication that claims 4-6 and 10-14 are allowed and that claims 7-9 would be allowable once the Examiner's rejections and objections were overcome.

Attached is a Form PTO-1449 listing the enclosed document.

The Rule 17(p) Official Fee required by Rule 97(c) in lieu of certification is filed herewith. Should that fee be missing or inadequate, please charge the deficiency to our Deposit Account No. 14-1140 under Order No. 2764-38.


This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and early Declaration of an Interference as previously requested in this case is solicited.

Respectfully submitted,

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